

EXECUTIVE ORDER

05-20

October 17, 2005

DECLARATION OF DISASTER EMERGENCY

WHEREAS, during the month of October, the State of Rhode Island has experienced historic rainfall causing extensive flooding in many areas throughout the State; and

WHEREAS, Cities and Towns throughout the State, including Cranston, Coventry, Richmond, Lincoln, Woonsocket, Central Falls, and Providence have ordered mandatory evacuations of low lying areas and/or strongly urged voluntary evacuations of homes and businesses; and

WHEREAS, on October 15th 2005, the Rhode Island Emergency Management Agency (the "Agency") was officially notified by the Towns of Hopkinton, Burrillville, Cumberland and Exeter (the "Towns") of a disaster/emergency within the Towns the severity and magnitude of which is believed to be beyond the response and recovery capability of the Towns' resources and that additional resources was required; and

WHEREAS, as a result of this emergency public and private infrastructure, as well as homes and businesses throughout the State has suffered and continues to suffer extensive damage; and

WHEREAS, the health and general welfare of the citizens of the State of Rhode Island requires that State action be taken to help alleviate the conditions caused by this emergency; and

NOW, THEREFORE, I, DONALD L. CARCIERI, by the authority vested in me pursuant to Title 30 Chapter 15 et seq. as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. A state of Emergency exists in the State of Rhode Island, the Agency is hereby directed to activate all necessary State emergency response plans and procedures, which plans and procedures includes the emergency management plans of Cities and Towns within the State.
2. All State departments, agencies or quasi-state agencies and boards and commissions performing an executive function shall cooperate fully with the State Director of Emergency Management in all matters concerning this Order. All efforts to provide emergency disaster relief to the affected Cities and Towns shall be coordinated by and through the Agency.
3. All State Department Directors are authorized to: a) enter into contracts and incur obligations necessary to combat the emergency; b) direct that work be undertaken to protect persons and property; c) direct or approve necessary repair work; d) make assessments of soundness regarding occupancy or use of particular structures; and e) provide appropriate emergency assistance to victims of the emergency.
4. All State Department Directors are authorized to exercise the acts described in section 3 suspending procedures and formalities prescribed by law as necessary, excepting mandatory constitutional rights, which includes without limitation existing budget limitations, competitive bidding requirements, rental, purchase, contracting, and expenditure policies.
5. The Commanding General of the Rhode Island National Guard is directed, pursuant to Rhode Island General Laws, § 30-2-6, to stand ready to call to State Active Duty those guardsmen deemed necessary to ensure public safety and to provide necessary assistance to the affected Cities and Towns.
6. Any acts taken prior to the effective date of this Executive Order that is consistent with the intent and purpose of this Order are hereby ratified and confirmed retroactive to the time of the emergency on or about October 15, 2005.
7. This Order shall take effect immediately and remain in full force and effect for thirty (30) days unless extended by the issuance of a subsequent written or oral proclamation, which shall follow upon a determination that the extraordinary measures detailed are no longer required for the protection of the public safety and welfare.
8. If any provision of this Order is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not

affect the validity or enforceability of any other part or provision of this Order.

9. No provision of this Order is intended to alter or amend any compacts, policies, legal authorization or opinions of the federal government regarding emergency management or homeland security.

So Ordered:



Donald L. Carcieri

Dated: October 17, 2005